



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 4 2002

Mr. Terry Grube
General Counsel
Mack Trucks, Inc.
2100 Mack Boulevard
Allentown, PA 18103

Ms. Julie R. Domike Esq.
Wallace King Marraro & Branson
1050 Thomas Jefferson Street, N.W.
Fifth Floor
Washington, D.C. 20007

Re: United States v. Mack Trucks, Inc.
Civil Action No. 98-1495

Dear Sir and Madam:

We write in response to your request for clarification of the government's current view regarding Mack Trucks, Inc.'s ("Mack") proposed use of certain auxiliary emission control devices ("AECDs") on engines required to meet the NOx plus NMHC Limits imposed by Paragraph 20 of the Amended Consent Decree ("Pull-ahead engines"). As discussed below, based on the information Mack has submitted and our current understanding of Mack's approach, we believe that Mack's AECDs will not preclude issuance of certificates of conformity. Of course, the views set forth below are only our current view regarding Mack's anticipated AECDs. EPA has not yet received an application for a certificate of conformity from Mack for any Pull-ahead engine family; and this letter is not to be construed in any way as final Agency action.

As you recall, on January 19, 2001, the United States wrote to you and the other consent decree companies stating its position, based on then-current information, regarding several AECDs that companies expected to employ on Pull-ahead engines. The January 19 letter indicated that most of the anticipated AECDs would likely be approvable, subject to certain limits, but three AECDs, i.e., the Air Handling, Overheat, and Condensation (Intake System) protection strategies, appeared to be problematic.

Since January 19, 2001, Mack has provided EPA with new information reflecting the company's progress in technical areas, such as engine materials, turbo charger designs, sensor



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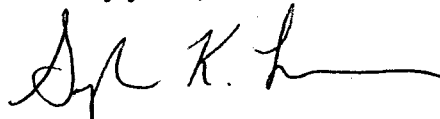
technologies, and cooling systems, and its progress in minimizing the use and emission consequences of the problematic AECDs. Mack's presentations also included information regarding the narrowly defined and limited circumstances under which these AECDs will be used, reflecting its progress in correlating their use to engine protection needs. Based on the information received to date, Mack's Air Handling, Overheat, and Condensation (Intake System) protection AECDs appear to be consistent with EPA's regulations and the Consent Decree's requirements; and on that basis discussions regarding a consent decree amendment to provide emissions offsets or monetary penalties as a condition of allowing the use of these AECDs are unnecessary.

EPA's view regarding these AECDs may change, of course, should EPA receive any new information or become aware of any new conditions or circumstances that indicate that the AECDs do not comply with the applicable requirements. As noted above, any final Agency action regarding certificates of conformity for Mack's Pull-ahead engine families must await EPA's review of Mack's applications once they are submitted by the company.

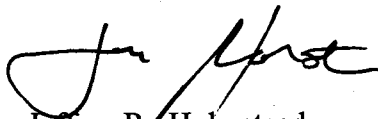
We request that you meet with our staff in the next two weeks to continue our discussions regarding Mack's plans for the introduction of Pull-ahead engines, including its plans for the use of AECDs. We encourage you to provide applications for certification as early as possible before the planned production start date, to allow EPA adequate time to conduct the close review required to ensure that Mack's Pull-ahead engines meet the certification requirements.

Please contact Bruce Buckheit at (202) 564-2260 or Greg Green at (734) 214-4428 if you have any questions.

Sincerely yours,



Sylvia K. Lowrance
Acting Assistant Administrator for Enforcement
and Compliance Assurance



Jeffrey R. Holmstead
Assistant Administrator for Air and Radiation



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WASHINGTON, D.C. 20460

MAR 4 2002

Mr. Lars Gustavsson
Manager, Engine Development
Volvo Truck Corporation
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SE-405 08 Gothenburg SWEDEN

Ms. Julie R. Domike Esq.
Wallace King Marraro & Branson
1050 Thomas Jefferson Street, N.W.
Fifth Floor
Washington, D.C. 20007

Re: United States v. Volvo Truck Corporation
Civil Action No. 98-2547

Dear Sir and Madam:

We write in response to your request for clarification of the government's current view regarding Volvo Truck Corporation's ("Volvo") proposed use of certain auxiliary emission control devices ("AECDS") on engines ("Pull-ahead engines") required to meet the NOx plus NMHC Limits imposed by Paragraph 20 of the Amended Consent Decree. As discussed below, based on the information Volvo has submitted and our current understanding of Volvo's approach, we believe that Volvo's AECDS will not preclude issuance of certificates of conformity. Of course, the views set forth below are only our current view regarding Volvo's anticipated AECDS. EPA has not yet received an application for a certificate of conformity from Volvo for any Pull-ahead engine family; and this letter is not to be construed in any way as final Agency action.

As you recall, on January 19, 2001, the United States wrote to you and the other consent decree companies stating its position, based on then-current information, regarding several AECDS that companies expected to employ on Pull-ahead engines. The January 19 letter indicated that most of the anticipated AECDS would likely be approvable, subject to certain limits, but three AECDS, i.e, the Air Handling, Overheat, and Condensation (Intake System) protection strategies, appeared to be problematic.



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Since January 19, 2001, Volvo has provided EPA with new information reflecting the company's progress in technical areas, such as engine materials, sensor technologies, and cooling systems, and its progress in minimizing the use and emission consequences of the problematic AECDs. Volvo's presentations also included information regarding the narrowly defined and limited circumstances under which these AECDs will be used, reflecting its progress in correlating their use to engine protection needs. Based on the information received to date, Volvo's Air Handling, Overheat, and Condensation (Intake System) protection AECDs appear to be consistent with EPA's regulations and the Consent Decree's requirements; and on that basis discussions regarding a consent decree amendment to provide emissions offsets or monetary penalties as a condition of allowing the use of these AECDs are unnecessary.

EPA's view regarding these AECDs may change, of course, should EPA receive any new information or become aware of any new conditions or circumstances that indicate that the AECDs do not comply with the applicable requirements. As noted above, any final Agency action regarding certificates of conformity for Volvo's Pull-ahead engine families must await EPA's review of Volvo's applications once they are submitted by the company.

We request that you meet with our staff in the next two weeks to continue our discussions regarding Volvo's plans for the introduction of Pull-ahead engines, including its plans for the use of AECDs. We encourage you to provide applications for certification as early as possible before the planned production start date, to allow EPA adequate time to conduct the close review required to ensure that Volvo's Pull-ahead engines meet the certification requirements.

Please contact Bruce Buckheit at (202) 564-2260 or Greg Green at (734) 214-4428 if you have any questions.

Sincerely yours,



Sylvia K. Lowrance

Acting Assistant Administrator for Enforcement
and Compliance Assurance



Jeffrey R. Holmstead

Assistant Administrator for Air and Radiation



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 4 2002

Mr. John Farmer
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Mr. Jonathan S. Martel Esq.
Arnold & Porter
555 12th Street, N.W.
Washington, DC 20004-1202

Re: United States v. Detroit Diesel Corporation
Civil Action No. 98-2548

Dear Sirs:

We write in response to your request for clarification of the government's current view regarding Detroit Diesel Corporation's ("DDC") proposed use of certain auxiliary emission control devices ("AECDs") on engines ("Pull-ahead engines") required to meet the NOx plus NMHC Limits imposed by Paragraph 20 of the Amended Consent Decree. As discussed below, based on the information DDC has submitted and our current understanding of DDC's approach, we believe that DDC's AECDs will not preclude issuance of certificates of conformity. Of course, the views set forth below are only our current view regarding DDC's anticipated AECDs. EPA has not yet received an application for a certificate of conformity from DDC for any Pull-ahead engine family; and this letter is not to be construed in any way as final Agency action.

As you recall, on January 19, 2001, the United States wrote to you and the other consent decree companies stating its position, based on then-current information, regarding several AECDs that companies expected to employ on Pull-ahead engines. The January 19 letter indicated that most of the anticipated AECDs would likely be approvable, subject to certain



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limits, but three AECDs, i.e., the Air Handling, Overheat, and Condensation (Intake System) protection strategies, appeared to be problematic.

Since January 19, 2001, DDC has provided EPA with new information reflecting the company's progress in technical areas, such as engine materials, turbo charger designs, sensor technologies, and cooling systems, and its progress in minimizing the use and emission consequences of the problematic AECDs. DDC's presentations also included information regarding the narrowly defined and limited circumstances under which these AECDs will be used, reflecting its progress in correlating their use to engine protection needs. Based on the information received to date, DDC's Air Handling, Overheat, and Condensation (Intake System) protection AECDs appear to be consistent with EPA's regulations and the Consent Decree's requirements; and on that basis discussions regarding a consent decree amendment to provide emissions offsets or monetary penalties as a condition of allowing the use of these AECDs are unnecessary.

EPA's view regarding these AECDs may change, of course, should EPA receive any new information or become aware of any new conditions or circumstances that indicate that the AECDs do not comply with the applicable requirements. As noted above, any final Agency action regarding certificates of conformity for DDC's Pull-ahead engine families must await EPA's review of DDC's applications once they are submitted by the company.

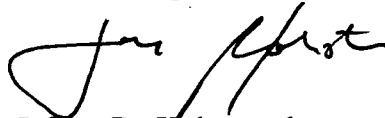
We request that you meet with our staff in the next two weeks to continue our discussions regarding DDC's plans for the introduction of Pull-ahead engines, including its plans for the use of AECDs. We encourage you to provide applications for certification as early as possible before the planned production start date, to allow EPA adequate time to conduct the close review required to ensure that DDC's Pull-ahead engines meet the certification requirements.

Please contact Bruce Buckheit at (202) 564-2260 or Greg Green at (734) 214-4428 if you have any questions.

Sincerely yours,



Sylvia K. Lowrance
Acting Assistant Administrator for Enforcement
and Compliance Assurance



Jeffrey R. Holmstead
Assistant Administrator for Air and Radiation



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 4 2002

Larry Henderson
Consent Decree Compliance Representative
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Samuel I. Gutter Esq.
Sidley & Austin
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Washington, DC 20006

Re: United States v. Cummins Engine Company
Civil Action No. 98-2546

Dear Sirs:

We write in response to your request for clarification of the government's current view regarding Cummins Engine Company's ("Cummins") proposed use of certain auxiliary emission control devices ("AECDs") on engines ("Pull-ahead engines") required to meet the NOx plus NMHC Limits imposed by Paragraph 20 of the Amended Consent Decree. As discussed below, based on the information Cummins has submitted and our current understanding of Cummins' approach, we believe that Cummins' AECDs will not preclude issuance of certificates of conformity. Of course, the views set forth below are only our current view regarding Cummins' anticipated AECDs. EPA has not yet received an application for a certificate of conformity from Cummins for any Pull-ahead engine family; and this letter is not to be construed in any way as final Agency action.

As you recall, on January 19, 2001, the United States wrote to you and the other consent decree companies stating its position, based on then-current information, regarding several AECDs that companies expected to employ on Pull-ahead engines. The January 19 letter indicated that most of the anticipated AECDs would likely be approvable, subject to certain limits, but three AECDs, i.e., the Air Handling, Overheat, and Condensation (Intake System) protection strategies, appeared to be problematic.



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Since January 19, 2001, Cummins has provided EPA with new information reflecting the company's progress in technical areas, such as engine materials, turbo charger designs, sensor technologies, and cooling systems, and its progress in minimizing the use and emission consequences of the problematic AECDs. Cummins' presentations also included information regarding the narrowly defined and limited circumstances under which these AECDs will be used, reflecting its progress in correlating their use to engine protection needs. Based on the information received to date, Cummins' Air Handling, Overheat, and Condensation (Intake System) protection AECDs appear to be consistent with EPA's regulations and the Consent Decree's requirements; and on that basis discussions regarding a consent decree amendment to provide emissions offsets or monetary penalties as a condition of allowing the use of these AECDs are unnecessary.

EPA's view regarding these AECDs may change, of course, should EPA receive any new information or become aware of any new conditions or circumstances that indicate that the AECDs do not comply with the applicable requirements. As noted above, any final Agency action regarding certificates of conformity for Cummins' Pull-ahead engine families must await EPA's review of Cummins' applications once they are submitted by the company.

We request that you meet with our staff in the next two weeks to continue our discussions regarding Cummins' plans for the introduction of Pull-ahead engines, including its plans for the use of AECDs. We encourage you to provide applications for certification as early as possible before the planned production start date, to allow EPA adequate time to conduct the close review required to ensure that Cummins' Pull-ahead engines meet the certification requirements.

Please contact Bruce Buckheit at (202) 564-2260 or Greg Green at (734) 214-4428 if you have any questions.

Sincerely yours,



Sylvia K. Lowrance
Acting Assistant Administrator for Enforcement
and Compliance Assurance



Jeffrey R. Holmstead
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